

## **REMARKS/ARGUMENTS**

### **1.) Election Requirement**

Applicant elects without traverse Group 1 (claims 1, 3-9, 12-17, 19 and 21-25) of the pending claims. Please withdraw claims 26 - 32 without prejudice or disclaimer.

### **2.) Priority**

The Examiner noted in the Office Action that the Applicant has not filed a certified copy of the priority application as required by 35 U.S.C 119(b). Enclosed herewith is a certified copy of the priority application, 00850007.6.

### **3.) Information Disclosure Statement**

The Examiner noted in the Office Action that the information disclosure statement filed on 18 January 2002 failed to comply with 37 CFR 1.98(a)(2). Enclosed herewith for filing is an Information Disclosure Statement with copies of cited documents.

### **4.) Claim Amendments**

The Applicant has amended claim 16 and cancelled claim 17; no new matter has been added. Claims 1, 3-9, 12-16, 19 and 22-25 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **5.) Examiner Objections – Drawings**

The Drawings were objected to because in Figure 4 character “400” was used to designate both the encrypted subscriber register and the e-commerce server. A correction to the drawing, changing the designator for the e-commerce server to “430,” as recited in the specification, is shown on the enclosed sheet. The Examiner’s approval of the drawing change is respectfully requested.

#### **6.) Examiner Objections - Claims**

The Examiner objected to claim 17 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 17 was intended to limit the step of defining policies to being performed in a "policy definition point," which limitation was not previously included in claim 16, from which claim 17 depended. Therefore, claim 17 did contain subject matter that further limited the scope of claim 16. The Applicant has cancelled claim 17 and amended claim 16 to include the additional limitation of claim 17 that the step of defining policies is performed in a "policy definition point." The Examiner's consideration of the amended claim is respectfully requested.

#### **7.) Allowable Subject Matter**

The Applicant thanks the Examiner for the conditional allowance of claim 17, which the Examiner objected to as being dependent upon a rejected base claim, but stated would be allowable if rewritten in independent form including all of the limitations of its base claim and any intervening claims. The Applicant notes, however, that the Examiner also objected to claim 17 as being of improper dependent form for failing to further limit the subject matter of a previous claim. As noted above, claim 17 did include subject matter that further limited the scope of claim 16.

Despite this apparent inconsistency in the Examiner's position, the Applicant has amended claim 16 to include the additional subject matter of claim 17. Therefore, claim 16 is now allowable. Whereas claims 19 and 21-25 depend from claim 16, and include the limitations thereof, those claims are also now allowable.

#### **8.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner rejected claims 1, 3-5, 7, 16 and 25 as being unpatentable over McCloghrie *et al.* (US 6,286,052 B1) in view of Putzolu, *et al.* (US 6,611,864 B2) and Amin *et al.* (US 6,714,987 B1); claims 6, 9, 12, 13, 15, 21 and 22 as being unpatentable over McCloghrie in view of Putzolu, Amin and Forslow (US 2002/0069278 A1); claims 8, 19 and 24 as being unpatentable over McCloghrie in view of Putzolu, Amin and Mahon

*et al.* (US 6,587,876 B1); claim 14 as being unpatentable over McCloghrie in view of Putzolu, Amin and Danieli (US 6,510,513 B1). The Applicant traverses the rejections.

First, McCloghrie fails to disclose the following feature of claim one: "at least one policy enforcement point associated with said at least one terminal, wherein said policy enforcement point is operable to enforce on said communication terminal the policies defined in said policy definition point." In contrast, the local policy enforcers of McCloghrie are located in intermediate network devices. Also, the Applicant's invention utilizes terminal-oriented policy enforcement, while the local policy enforcer of McCloghrie uses flow-oriented operation. This aspect of McCloghrie has the disadvantage that it cannot be assured that the local policy enforcer has the capacity to monitor a particular flow at a certain time (col.11 lines 61 to 63), whereas terminal based policy enforcement can be selected for its capacities related to the capacities of the terminal. The set-up of the system of McCloghrie also does not reach an object of the invention which is to provide policy enforcement and service transparency when a terminal roams between different heterogeneous networks. As the local policy enforcers are located somewhere on the communication path between a host and a terminal, both of a fixed network, roaming is not supported. The teachings of Putzolu and Amin fail to overcome these deficiencies of McCloghrie. Accordingly, claim 1 is not obvious over McCloghrie in view of Putzolu and Amin. Whereas claim 16 includes limitations analogous to those of claim 1, it is also not obvious in view of those references.

Secondly, as noted above, the Examiner stated that claim 17 would be allowable if rewritten in independent form including all of the limitations of its base claim and any intervening claims. The Applicant has amended claim 16, from which claim 17 depended, to include the additional limitation of claim 17 that the step of defining policies to being performed in a "policy definition point." Accordingly, claim 16 is now allowable over McCloghrie in view of Putzolu and Amin. Whereas claim 1 includes limitations analogous to claim 16, claim 1 is also now allowable over McCloghrie in view of Putzolu and Amin.

Finally, whereas claims 3-9 and 12-15 are dependent from claim 1 and claims 19 and 21-25 are dependent from claim 16, and includes the limitations of their respective base claims, those claims are also not obvious in view of the cited references.

### **CONCLUSION**

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 3-9, 12-16, 19 and 22-25.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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